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EXAMINER

CORSARD, N

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/317,802

Applicant(s)

Christopher R. Uhlik

Examiner

Nick Corsaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Sep 10, 2001

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 35 and 37-109 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 35 and 37-109 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other:

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 09/10/2001 have been fully considered but they are not persuasive.

The applicants feature in the claims wherein in a wireless system such as a wireless local loop or other wireless system, a method to determine at a communication station whether a communication channel is available to accommodate a telephone call; by providing a telephone interface indicating the unavailability of the channel and enabling dialing of one or more digits even if no channel is available and comparing the received digits with that of emergency codes to determine whether a priority access request is required, and disabling receipt of digits if it is determined that received digit is not associated with an emergency code, reads on, Pentikainen in view of Bilgic, as follows.

Pentikainen is stating a method and system for making an emergency call in a wireless local loop system, wherein inherently the method could be used in any mobile system.

Pentikainen states allowing dialing of digits even if no channel is available and discontinuing the call setup if it is determined that the number being dialed is not an emergency number.

Pentikainen is modified by Bilgic to show that the numbers could be checked individually as they are received.

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In response to the applicants argument that Pentikainen is not checking the number digit by digit, the argument is not persuasive in that Pentikainen does not say whether or not the string of number is checked digit by digit or not, and the applicants claim language does not associate whether the method stops further receipt of the emergency number digits or of digits of other numbers. Therefore, the feature reads on Pentikainen if view of Bilgic.

With regard to the applicants arguments that SDMA is not taught, the priority access systems cited in the references are not system specific, and would free the channels using the access method of the system, however, new art has been cited in the action that follows said are stating SDMA for priority access.

No other features of the claims shows a clear difference between the claims and the cited references.

### ***Claim Objections***

2. Claim 37 is objected to because of the following informalities: Claim 37 depends on claim 36 that has been canceled. Appropriate correction is required.

For examination purposes claim 37 will be read as if dependent on claim 35.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 35, 37, 40-63, 66-68, 70-72, and 79-88, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pentikainen et al. (6,185,412) in view of Bilgic et al. (5,884,148).

Consider claim 35, Pentikainen discloses a wireless local loop subscriber unit method facilitating a telephone call (see abstract lines 1-2, col. 4 lines 39-63, col. 3 lines 63-68, and col. 4 lines 1-6). Pentikainen discloses determining whether a communication channel is available at a servicing communication station to accommodate the telephone call (see col. 4 lines 46-51, and col. 1 lines 49-54). Pentikainen discloses providing a telephone interface with an indication denoting the unavailability of a communication channel if it is determined that the communication station does not have a communication channel available (see col. 4 lines 48-52).

Pentikainen discloses enabling receipt of one or more digits of a telephone number from the telephone interface even if no communication channels are available (see col. 3 lines 12-18, and col. 4 lines 48-52). Pentikainen discloses "the dialed number is received and compared with numbers stored in the device and if comparison indicates the dialed number is not an emergency number, then the call setup procedure is interrupted, and If the dialed number is an emergency number, operation is continued, wherein it is inherent in communications system to compare two numbers on a digit by digit bases through a computer addition or subtraction process, or in complete coded form, therefore, Pentikainen inherently discloses comparing each of the received digits, as received, against corresponding digits of one or more emergency codes to determine

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whether a special channel request is required to facilitate an emergency telephone call (see col. 3 lines 12-18 and col. 4 lines 40-63). Pentikainen discloses determining if the call is an emergency call in the subscriber unit and if so proceeding with a special emergency call function that request special channel access and, therefore, Pentikainen is disclosing determining if a priority channel request is required (see col. 3 lines 12-18 and col. 4 lines 40-63). Pentikainen discloses disabling the receipt of further digits if it is determined that a received digit is not associated with an emergency call (see col. 4 lines 54-56). Pentikainen does not specifically disclose comparing each of the received digits, as received, against corresponding digits of one or more emergency codes or a priority channel request. Bilgic teaches comparing each of the received digits, as received, against corresponding digits of one or more emergency codes a priority channel request used for emergency calls wherein dialed numbers are compared digit by digit (see col. 17 lines 10-25, col. 17 lines 35-45, ). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pentikainen, and compare each of the received digits, as received, against corresponding digits of one or more emergency codes and make a priority channel request, as taught by Bilgic, thus allowing determination of an emergency number through dialed number analysis and acquisition of a special channel when emergency calls are made.

Consider claim 48, Pentikainen discloses a wireless local loop subscriber unit comprising: a telephone interface, to enable a user to enter a telephone number to place a telephone call; and a transceiver, coupled to the telephone interface, to accept entry of a

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telephone number entered by the user even after determining that no communication channels are currently available from a servicing communication station, and comparing the received telephone number against emergency numbers, wherein inherently comparing includes comparing each of the digits of the telephone number as received against a corresponding digit of and to issue a special channel request to the communication station for a communication channel if the telephone number received from the telephone interface corresponds to one or more emergency services (see abstract lines 1-2, col. 4 lines 39-63, col. 3 lines 63-68, col. 4 lines 1-6, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 48-52, col. 3 lines 12-18, col. 4 lines 40-63, col. 3 lines 12-18 and col. 4 lines 40-63). Pentikainen discloses disabling the receipt of further digits if it is determined that a received digit is not associated with an emergency call (see col. 4 lines 54-56). Pentikainen does not specifically disclose comparing each of the received digits, as received, against corresponding digits of one or more emergency codes or a priority channel request. Bilgic teaches comparing each of the received digits, as received, against corresponding digits of one or more emergency codes a priority channel request used for emergency calls wherein dialed numbers are compared digit by digit (see col. 17 lines 10-25, col. 17 lines 35-45, ). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pentikainen, and compare each of the received digits, as received, against corresponding digits of one or more emergency codes and make a priority channel request, as taught by Bilgic, thus allowing determination of an

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emergency number through dialed number analysis and acquisition of a special channel when emergency calls are made.

Consider claims 59 and 79, Pentikainen discloses a wireless local loop communication system comprising: a communication station, to communicatively couple the one or more wireless local loop subscriber units to a wireline telephony network; and a wireless local loop subscriber unit, communicatively coupled to the communication station, to accept entry of a telephone number by a user via a telephone interface even after determining that no communication channels are currently available between the subscriber unit and the communication station as long as entered digits conform to corresponding digits of one or more emergency codes associated with one or more emergency services, and to issue a special channel request for a communication channel if no communication channels are otherwise available to service the telephone call to an emergency service (see abstract lines 1-2, col. 4 lines 39-63, col. 3 lines 63-68, col. 4 lines 1-6, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 48-52, col. 3 lines 12-18, col. 4 lines 40-63, col. 3 lines 12-18 and col. 4 lines 40-63). Pentikainen does not specifically disclose a priority channel request. Bilgic teaches a priority channel request used for emergency calls (see col. 17 lines 10-25 and col. 17 lines 35-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pentikainen, and make a priority channel request, as taught by Bilgic, thus allowing acquisition of a special channel when emergency calls are made.



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Consider claim 66, Pentikainen discloses a wireless local loop subscriber unit, which is inherently an article of manufacture with a machine accessible medium to provide instructions which, when executed by a wireless local loop subscriber unit, cause the subscriber unit to determine whether a communication channel is available at a servicing communication station to accommodate a telephone call upon detecting an off-hook signal from a telephone interface, provide the telephone interface with an indication denoting the unavailability of a communication channel if it is determined that the communication station does not have a communication channel available, and enable receipt of one or more digits of a telephone number from the telephone interface even if no communication channels are available, and to compare the dialed number to emergency numbers wherein comparing inherently includes, comparing each digit of the telephone number, as received, against corresponding digits of one or more emergency codes associated with one or more emergency telephone numbers and to determine whether a special channel request is required to facilitate an emergency telephone call (see abstract lines 1-2, col. 4 lines 39-63, col. 3 lines 63-68, col. 4 lines 1-6, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 48-52, col. 3 lines 12-18, col. 4 lines 40-63, col. 3 lines 12-18 and col. 4 lines 40-63). Pentikainen does not specifically disclose a machine accessible medium to provide instructions or a priority channel request. Bilgic teaches comparing each digit of the telephone number, as received, against corresponding digits of one or more emergency codes associated with one or more emergency telephone numbers, a processor within the subscriber unit controls the unit to make a priority call where processors inherently use

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machine accessible mediums such as ROM, RAM memories , and Bilgic teaches a priority channel request used for emergency calls (see col. 17 lines 10-25 and col. 17 lines 35-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pentikainen, and have compare each digit of the telephone number, as received, against corresponding digits of one or more emergency codes associated with one or more emergency telephone numbers, a machine accessible medium make and a priority channel request, as taught by Bilgic, thus allowing acquisition of a special channel when emergency calls are made. .

Consider claims 49 and 67, Pentikainen discloses comparing each of the received digits, as received, to see if an emergency code has been received so that Pentikainen inherently discloses comparing to one or more emergency codes maintained in the subscriber unit to determine whether the received digits correspond to one or more emergency services associated with the one or more emergency codes (see col. 3 lines 10-18).

Consider claim 37, the above claim objection, and claims 42, 43, 57, 60, 61, 68, and 70 Pentikainen discloses issuing a special channel request to the servicing communication station if the result of the comparison reveals that the received digits correspond to an emergency code (see abstract lines 1-2, col. 4 lines 39-63, col. 3 lines 63-68, col. 4 lines 1-6, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 48-52, col. 3 lines 12-18, col. 4 lines 40-63, col. 3 lines 12-18 and col. 4 lines 40-63). Pentikainen does not specifically disclose a priority channel request. Bilgic teaches a priority channel request used for emergency calls (see

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col. 17 lines 35-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pentikainen, and make a priority channel request, as taught by Bilgic, thus allowing acquisition of a special channel when emergency calls are made.

Consider claims 40, 50, 58, 72, 80, and 81 Pentikainen discloses determining whether a communication channel is available comprises: receiving an off-hook detection signal at the transceiver; issuing a channel request from the transceiver to the servicing communication station; and receiving a response at the transceiver from the communication station to the channel request denoting whether a communication channel is available (see abstract lines 1-2, col. 4 lines 39-63, col. 3 lines 63-68, col. 4 lines 1-6, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 48-52, col. 3 lines 12-18, col. 4 lines 40-63, col. 3 lines 12-18 and col. 4 lines 40-63).

Consider claims 41, 51, and 82 Pentikainen discloses giving a special dial tone is all circuits are busy wherein inherently the special dial tone could be any special indication so that Pentikainen discloses the indication that all communication channels are currently unavailable includes one or more of a fast busy signal, a null signal (silence), a monotone signal, and/or any signal other than a dial tone (see col. 4 lines 45-55).

Consider claims 44, 45, 52, 53, 54, 71, 83, 84, 85, 86, 87, and 88, Pentikainen discloses making a call set up, even if no channels are available, wherein inherently DTMF conversions are used (see col. 4 lines 40-67). Pentikainen does not specifically disclose converting dual-tone,

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multiple frequency (DTMF) tones received from the telephone interface representing the telephone number entered by the user to digital signal(s) for the transceiver. Bilgic discloses conversion to DTMF (see col. 14 lines 35-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pentikainen, and DTMF, as taught by Bilgic, thus allowing acquisition of a special channel using a standard interface.

Consider claims 46, 55, 56, 57, 62, and 63, Pentikainen discloses dialing of an emergency number wherein inherently the number could be emergency codes are one or more of a telephone number, a speed-dial code and/or a shortened emergency services code (see col. 4 lines 40-67).

Consider claim 47, Pentikainen discloses a wireless local loop subscriber unit, which is inherently an article of manufacture with a machine accessible medium to provide instructions which, when executed by a wireless local loop subscriber unit, cause the subscriber unit to determine whether a communication channel is available at a servicing communication station to accommodate a telephone call upon detecting an off-hook signal from a telephone interface, provide the telephone interface with an indication denoting the unavailability of a communication channel if it is determined that the communication station does not have a communication channel available, and enable receipt of one or more digits of a telephone number from the telephone interface even if no communication channels are available to determine whether a special channel request is required to facilitate an emergency telephone call (see

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abstract lines 1-2, col. 4 lines 39-63, col. 3 lines 63-68, col. 4 lines 1-6, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 48-52, col. 3 lines 12-18, col. 4 lines 40-63, col. 3 lines 12-18 and col. 4 lines 40-63). Pentikainen does not specifically disclose a machine accessible medium to provide instructions or a priority channel request. Bilgic teaches a processor within the subscriber unit controls the unit to make a priority call where processors inherently use machine accessible mediums such as ROM, RAM memories, and Bilgic teaches a priority channel request used for emergency calls (see col. 17 lines 35-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pentikainen, and have a machine accessible medium make and a priority channel request, as taught by Bilgic, thus allowing acquisition of a special channel when emergency calls are made. .

5. Claims 38, 39, 64, 65, 69, 74, 76, 77, and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pentikainen in view of Bilgic, as applied to claims 35, 37, 48, 59, 68, and 79 above, and further in view of Veerasamy et al. (6,208,865) and Gray et al. (6,108,323).

Consider claims 38, 39, 64, 65, 69, 74, 76, 77, and 90 Pentikainen discloses the system as modified by Bilgic above, wherein the priority channel request denotes a priority class of service that is greater than that of non-emergency telephone calls. Pentikainen and Bilgic do not specifically disclose the servicing communication station reallocates communication channel parameters to facilitate the priority channel request or using SDMA techniques to allocate the priority channel request.. Veerasamy teaches the servicing communication station reallocates

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communication channel parameters to facilitate the priority channel request wherein the reallocation is in any type of system (see col. 5 lines 1-67 and col. 6 lines 10-18). Gray teaches reallocating using SDMA techniques (see col. 2 lines 43-46, col. 3 lines 30-40 and col. 4 lines 29-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pentikainen and Bilgic, and have the servicing communication station reallocates communication channel parameters and do it using SDMA techniques to facilitate the priority channel request, as taught by Veerasamy and Gray, thus allowing acquisition of a channel when emergency calls are made and doing if the system is SDMA.

6. Claim 73, 75, 78, 89 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pentikainen in view of Bilgic as applied to claim 35 and 48 above, and further in view of Joong et al. (5,937,355).

Consider claim 73, 75, 78, and 89. Pentikainen and Bilgic do not specifically disclose, the priority channel is channel is a reduced rate communication channel reserved to facilitate emergency telephone calls. Joong teaches the priority channel is channel is a reduced rate communication channel reserved to facilitate emergency telephone calls (see col. 2 lines 30-41, col. 3 lines 59-64, and col. 6 lines 1-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pentikainen and Bilgic, and have the priority channel be channel is a reduced rate communication channel reserved to

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facilitate emergency telephone calls , as taught by Joong, thus allowing acquisition of a channel when emergency calls all bandwidth is used.

7. Claims 91-93, and 95-99, are rejected under 35 U.S.C. 103(a) as being unpatentable over Veerasamy et al. (6,208,865) in view of Joong et al. (5,937,355).

Consider claim 91, Veerasamy discloses receiving a priority channel request at a communication station from a wireless subscriber unit (see col. 2 lines 35-50). Veerasamy discloses the priority channel request denoting a priority level call that inherently includes emergency calls (see col. 3 lines 60-67). Veerasamy discloses establishing the priority call using a communication channel reserved for priority calls when traditional communication channels are otherwise unavailable (see col. 4 lines 10-38). Veerasamy does not specifically disclose the priority channel request denoting an emergency call or the channel is a reduced rate channel. Joong teaches the priority call is an emergency call and the channel is a reduced rate channel (see col. 3 lines 58-65, col. 7 lines 30-53, col. 4 lines 14-20, and col. 6 lines 8-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Veerasamy, and have the priority call an emergency call and the channel be a reduced rate communication channel, as taught by Joong, thus allowing acquisition of a channel when an emergency call is placed and using less bandwidth for the reserved channel.

Consider claim 97, Veerasamy discloses a communication station (see abstract lines 1-2). Veerasamy discloses a plurality of wireless communication channels including full-rate communication channels and reserved communication channels (see col. 4 lines 10-20).

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Veerasamy discloses control logic, responsive to call requests received from subscriber units in a coverage area of the communication station, to select either a wireless communication channel or a reserved, communication channel to facilitate a communication session, wherein the control logic selectively employs a reserved, communication channel to facilitate a telephone call associated with a priority channel request when no other communication channels are available (see col. 5 lines 1-32). Veerasamy does not specifically disclose a reduced rate communication channel. Joong teaches the channel is a reduced rate channel (see col. 3 lines 58-65, col. 7 lines 30-53, col. 4 lines 14-20, and col. 6 lines 8-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Veerasamy, and have the channel be a reduced rate communication channel, as taught by Joong, thus allowing acquisition of a channel when emergency call is placed and using less bandwidth for the reserved channel.

Consider claims 92, 93, Veerasamy discloses a priority request, as discussed above, with indications to the user (see col. 4 lines 55-67). Veerasamy does not specifically disclose the priority channel request denoting an emergency call or the channel is a reduced rate channel. Joong teaches and indication to the user, the priority call is an emergency call and the channel is a reduced rate channel (see col. 6 lines 1-67, col. 3 lines 58-65, col. 7 lines 30-53, col. 4 lines 14-20, and col. 6 lines 8-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Veerasamy, and have the priority call an emergency call and the channel be a reduced rate communication channel, as taught by Joong,



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thus allowing acquisition of a channel when an emergency call is placed and using less bandwidth for the reserved channel.

Consider claim 95, Veerasamy discloses the priority channel request denotes a priority class of service that is greater than that of non priority calls or low priority calls, such that the servicing communication station reallocates communication channel parameters to facilitate the priority channel request in the absence of available communication channels or reserved, communication channels (see col. 5 lines 1-67). Veerasamy does not specifically disclose the priority channel request denoting an emergency call or the channel is a reduced rate channel. Joong teaches the priority call is an emergency call and the channel is a reduced rate channel (see col. 3 lines 58-65, col. 7 lines 30-53, col. 4 lines 14-20, and col. 6 lines 8-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Veerasamy, and have the priority call an emergency call and the channel be a reduced rate communication channel, as taught by Joong, thus allowing acquisition of a channel when an emergency call is placed and using less bandwidth for the reserved channel.

Consider claim 96, 98, and 99, Veerasamy discloses identifying an established communication session with a lower priority than the priority channel request; and tearing down the established communication session to free a communication channel to facilitate the priority channel request if a reserved communication channel is not available (see col. 5 lines 15-20). Veerasamy does not specifically disclose the priority channel request denoting an emergency call or the channel is a reduced rate channel. Joong teaches and indication to the user, the priority

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call is an emergency call and the channel is a reduced rate channel (see col. 6 lines 1-67, col. 3 lines 58-65, col. 7 lines 30-53, col. 4 lines 14-20, and col. 6 lines 8-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Veerasamy, and have the priority call an emergency call and the channel be a reduced rate communication channel, as taught by Joong, thus allowing acquisition of a channel when an emergency call is placed and using less bandwidth for the reserved channel.

8. Claims 94 and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veerasamy in view of Joong as applied to claim 91 and 97 above, and further in view of Gray et al. (6,108,323).

Consider claims 94 and 100, Veerasamy discloses the communication station and method, as modified by Joong above, wherein priority channel assignment is performed to allow freeing of a communication channel. Veerasamy further discloses that the communication station and method would be dependent on the type of communication system wherein the type determines reuse pattern (see col. 6 lines 10-20). Veerasamy and Joong do not specifically disclose invoking spatial division multiple access (SDMA) processing to free communication channel resources. Gray teaches invoking spatial division multiple access (SDMA) processing to free communication channel resources (see col. 2 lines 40-46, col. 4 lines 25-35, and col. 3 lines 30-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Veerasamy and Joong, and invoke spatial division multiple

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access (SDMA) processing to free communication channel resources , as taught by Gray, thus allowing acquisition of a channel when an emergency call is placed in an SDMA system.

9. Claims 101-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linneweh et al. (5,862,485) in view of Gray et al. (6,108,323).

Consider claim 101, Linneweh discloses a method comprising receiving a priority channel request from a wireless subscriber unit (see abstract lines 1-4). Linneweh discloses adjusting a channel reuse pattern of a wireless communication station to free communication resources to facilitate a telephone call associated with the priority channel request when other communication channels are not available (see col. 2 lines 34-59, col. 3 lines 35-67, and col. 4 lines 1-20). Linneweh discloses that the adjustment of channel reuse pattern will take place dependent on the type of reuse system, and thus Linneweh inherently discloses adjusting a spatial division multiple access (SDMA) channel reuse pattern of a wireless communication station to free communication resources (see col. 4 line 10-20, and col. 2 lines 34-67). Linneweh does not specifically disclose adjusting a spatial division multiple access (SDMA) channel reuse pattern of a wireless communication station. Gray teaches adjusting a spatial division multiple access (SDMA) channel reuse pattern of a wireless communication station to free communication resources (see col. 2 lines 43-46, col. 4 lines 29-35, and col. 3 lines 24-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Linneweh, and adjusting a spatial division multiple access (SDMA) channel reuse pattern of a wireless communication station to free communication resources, as

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taught by Gray, thus allowing acquisition of a channel when a priority call is placed in an SDMA system.

Consider claim 106, Linneweh discloses a cellular communication station inherently including two or more antennae (figure 1), therefore Linneweh discloses a communication station including two or more antennae to support wireless communication channels dynamically established between the communication station and one or more subscriber unit(s) in a coverage area supported by the communication station (see col. 3 lines 1-15, col. 2 lines 34-59, col. 3 lines 35-67, and col. 4 lines 1-20). Linneweh discloses control logic, coupled to the antennae, to control one or more aspects of wireless communication with the subscriber unit(s) including a reuse pattern employed by the communication station, wherein the control logic adjusts the reuse pattern to free a communication channel when a communication channel is otherwise unavailable in response to a priority channel request from a subscriber unit (see col. 2 lines 34-59, col. 3 lines 35-67, and col. 4 lines 1-20). Linneweh discloses that the adjustment of channel reuse pattern will take place dependent on the type of reuse system, and thus Linneweh inherently discloses adjusting a spatial division multiple access (SDMA) channel reuse pattern of a wireless communication station to free communication resources (see col. 4 line 10-20, and col. 2 lines 34-67). Linneweh does not specifically disclose control logic adjusting a spatial division multiple access (SDMA) channel reuse pattern employed by the communication station to free a communication channel. Gray teaches control logic to adjust a spatial division multiple access (SDMA) channel reuse pattern of a wireless communication station to free a communication

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channel (see col. 2 lines 43-46, col. 4 lines 29-35, and col. 3 lines 24-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Linneweh, and have control logic to adjust a spatial division multiple access (SDMA) channel reuse pattern of a wireless communication station to free communication channel, as taught by Gray, thus allowing acquisition of a channel when a priority call is placed in an SDMA system. .

Consider claims 102, 103, 104, 105, 108, and 109, Linneweh does not specifically disclose the SDMA processing features utilize adaptive antenna technology to improve channel reuse capability to facilitate multiple communication sessions using a single physical communication channel. Gray teaches the SDMA processing features utilize adaptive antenna technology to improve channel reuse capability to facilitate multiple communication sessions using a single physical communication channel (see col. 2 lines 43-46, col. 4 lines 29-35, and col. 3 lines 24-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Linneweh, and have the SDMA processing features utilize adaptive antenna technology to improve channel reuse capability to facilitate multiple communication sessions using a single physical communication channel , as taught by Gray, thus allowing acquisition of a channel when a priority call is placed in an SDMA system. .

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nick Corsaro whose telephone number is (703) 306-5616.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter, can be reached at (703) 308-6732. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Nick Corsaro



DANIEL HUNTER  
SUPERVISORY PATENT EXAMINER  
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